



08-02-05

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THE UNITED STATES PATENT AND TRADEMARK OFFICE
Attorney Docket Number 12077US06

In The Application Of:)
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)
Richard L. Pressley and)
Jeffrey D. Williamson) Express Mailing Label No.:
) EV 639809395 US
Serial No.: 10/822,550)
)
Continuation of Serial)
No. 09/763,676)
)
U.S. Filing Date:)
April 12, 2004)
)
Title: PROCESS AND APPARATUS)
FOR TREATING BIOSOLIDS)
FROM WASTEWATER)
TREATMENT)
)
Examiner: To be assigned)
)
Group Art Unit: To be assigned)

PETITION AND RESPONSE TO NOTICE OF OMITTED ITEM(S)
IN A NONPROVISIONAL APPLICATION

Mail Stop PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants submit this Petition and Response to the Notice
of Omitted Item(s) in a Nonprovisional Application, which was
mailed on June 1, 2005 ("the Notice"). This petition is timely
as the Notice provided two months for its submission, making

08/03/2005 JBALINAH 00000011 130017 10822550

1 FC:1464 130.00 DA

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Adjustment Date: 10/03/2005 AKELLEY
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01 FC:1464 130.00 CR

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01 FC:1462 400.00 DA

this petition due on August 1, 2005. A copy of the Notice is attached as Exhibit A.

Applicants request that Figure 6 (attached as Exhibit B) be included in the present application.

The Notice stated that a filing date had been according to the present application, but that Figure 6 appeared to have been omitted from the application.

Applicants submit that the present application includes Figure 6 because the present application incorporates by reference a prior parent application (Serial No. 09/763,676) that included Figure 6. More particularly, the transmittal letter filed with the present application on April 12, 2004 (attached hereto as Exhibit C) including the following paragraph:

For CONTINUATION OR DIVISIONAL APPS only: **The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**

(emphasis in bold added). It is indisputable that the prior parent application (Serial No. 09/763,676) included Figure 6.

The parent application issued as U.S. Patent No. 6,719,903, and that patent includes Figure 6 (See Exhibit D).

If Figure 6 was omitted from the present application filed on April 12, 2004, such omission was inadvertent, as evidenced by the application's references to Figure 6 at page 18, lines 1-2 and page 25, lines 21-32.

The petition fee under 37 CFR 1.17(f) may be charged to Deposit Account No. 13-0017. Applicants request a refund of any petition fee charged, in view of the facts set forth above.

Please charge any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 37 CFR 1.17 or under other applicable rules (except payment of issue fees), to Deposit Account No. 13-0017.

Respectfully submitted,

McANDREWS, HELD & MALLOY, LTD.

Date: August 1, 2005

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